

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

A.M.C., by her next friend, C.D.C., *et al.*,

Plaintiffs,

v.

STEPHEN SMITH, in his official capacity as
Deputy Commissioner of Finance and
Administration and Director of the Division
of TennCare,

Defendant.

Civil Action No. 3:20-cv-00240
Chief District Judge Crenshaw
Magistrate Judge Newbern

DEFENDANT’S UNOPPOSED MOTION TO ALTER OR AMEND THE JUDGMENT

Pursuant to Federal Rule of Civil Procedure 59(e), Defendant Stephen Smith respectfully requests that this Court alter or amend its Order administratively closing this case, Doc. 413 (Aug. 26, 2024), to clarify that it retains jurisdiction and that its Order and Opinion, Doc. 412 (Aug. 26, 2024), are neither final nor appealable.

Defendant Smith recognizes that this Court’s Order administratively closing the case contemplates further proceedings (if necessary) following mediation by the parties in this case. Nevertheless, because the Order closed the case, it could be argued that it should be deemed a separate document entering judgment under FED. R. CIV. P. 58(a), commencing the 30-day period within which a Notice of Appeal may be filed. *See* FED. R. APP. P. 4(a)(1)(A). Because we could find no precedent confirming that an administrative order closing a case but contemplating further proceedings in the future is not a final judgment, Defendant Smith respectfully requests that the Court revise its order to clarify that it retains jurisdiction over the whole case, and its Order and

Opinion are neither final nor appealable, until the parties notify it of a successful mediation or until any further proceedings after an unsuccessful mediation have concluded.

Defendant Smith respectfully submits this motion to prevent a scenario in which he is deemed to have missed the deadline to appeal this Court's liability findings after the conclusion of further remedial proceedings. If this motion is not granted, Defendant Smith believes that to protect against that possibility, however slight, he would be forced to file a protective notice of appeal. He would like to avoid doing so, however, because he believes such an appeal would not serve to bring an efficient resolution to this litigation and may jeopardize this Court's jurisdiction to finally and fully resolve this case, *see Greer v. Strange Honey Farm*, No. 23-5589, 2024 WL 4100249, at *3–4 (6th Cir. Sept. 6, 2024).

Defendant's counsel has consulted with counsel for the Plaintiffs, and Plaintiffs' counsel does not oppose this request for clarification, and has taken the position that the Order and Opinion are not final or otherwise appealable rulings.

September 16, 2024

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document has been served via the Court's electronic filing system on this 16th day of September, 2024.

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